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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/623,832

07/21/2003

Masaki Hori

8614/88476

4202

24628

7590

06/23/2008

WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER

PATEL, KIRAN B

ART UNIT

PAPER NUMBER

3612

MAIL DATE

DELIVERY MODE

06/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/623,832	Applicant(s) HORI ET AL.	
	Examiner Kiran B. Patel	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-4,7,8,10 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5,6,9,15 and 16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Non-Final Rejection (6/24/08)

Election/Restriction

1. Applicant's election without traverse of Invention C, Claims 5-18, Species B, Fig 4-8, is acknowledged.

Claims 1-4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim.

Further, Claims 7, 8, 10, 17, 18, 19 are withdrawn by the Examiner from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Following are few examples (a box body, a roof portion, a biasing force) of the limitations which must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Above are just few examples and therefore, the Applicant is requested to go through the application and ensure that all claimed limitations are shown in the drawing in such a way as to convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin

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Deleted: <#>Applicant's election with traverse of Invention A, Claims 1-11; Species A, Fig 1-4 claims 1-13, 15-20 is acknowledged. The traversal is on the grounds that search for the additional inventions and/or Species would not create an undue burden upon the Examiner. This is not found persuasive because search for the additional inventions and/or Species would create an undue burden upon the Examiner.¶

Claims 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions and/or species, there being no allowable generic or linking claim. ¶ Further, Claims 4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species.¶

The requirement is still deemed proper and is therefore made FINAL.¶

¶ <#>During a telephone interview with Attorney/Agent Churney the election was further amended and Claims 17-18 were withdrawn from further consideration as they read on non-elected inventions/species/embodiments.¶

... [1]

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as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5-6, 9 15-17 as best understood, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 5 recite "a box body in the vicinity of a roof portion of the box body so that said wing door overlies said roof portion and lateral sides of said box body". These limitations are not fully explained in the specification and/or not clearly shown in the figures to show that the Applicant had possession of the claimed invention. Not clear what is "a box body".

Claims 5 and 6 recite the same limitations "said wing door opening/closing devices includes a spring for generating the biasing force for swinging up said wing door and a link mechanism for transmitting the biasing force of said spring to said wing door".

Above are just few examples of the discrepancies and therefore the Applicant is requested to go through the application and ensure that the claimed matter has been described in the specification and shown in the drawing in such a way as to convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Correction is required.

Deleted: <#>Figure *** should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.¶

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Deleted: a cowl member presenting a front opening, in front of the radiator, such that said cowl member covers at least a portion of the radiator, from the front thereof". There are number of "cowl member" and which one is being claimed. There are number of "front opening" and which opening is being claimed.

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Deleted: wherein said cowl member also includes left and right side openings formed therein, and extending in the longitudinal direction on opposing sides thereof, said left and right side openings traversing an upper portion of the radiator, from a side view thereof, such that said left and right side openings communicate with one another in a width wise direction of the motorcycle, for allowing air to pass therethrough". There are number of "left and right side openings" which openings are being claimed. Limitation "left and right side openings traversing an upper portion of the radiator" is not clearly described in the ... [2]

Deleted: Claim 2-6 recite limitations "a first/second forward opening": "first/second forward opening has a vertical width smaller than a vertical width of said one side opening behind said ... [3]

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 5-6, 9, 15-17, as best understood, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, it appears that "a biasing force" should be "the biasing force" to provide proper antecedent basis.

Claims 6, it appears that "a spring" should be "the spring" and "a link mechanism" should be "the link mechanism" to provide proper antecedent basis.

Above are just few examples of the discrepancies and therefore the Applicant is requested to go through the application and ensure that the claimed matter has been described in the specification and shown in the drawing in such a way as to convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Correction is required.

Claim Rejections - 35 USC § 102(b)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-6, 16, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sugimoto (6,554,346).

Regarding Claims 5-6, 16, as best understood, Sugimoto (6,554,346) discloses the invention as claimed to include the wing door opening/closing apparatus is formed by combining a plurality of wing door opening/closing devices having respective different moment characteristics representing a relation between the angle of rotation of the wing door and a moment generated by the

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Regarding Claims 10, "exhibits at least one function" fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. ¶ Claims, elected for prosecution, are confusing and are not clear because reference characters "4, 5, " and "6" have both been used to designate structural element, which fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. ¶

Claims, elected for prosecution, are confusing and are not clear because reference character "6" has been used to designate both "one element in Claims 2" and "first element in claim 5", which fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. ¶ Claims, elected for prosecution, are confusing and are not clear because reference character "13" has been used to designate both "an attachment tab in Claims 10" and "end section in Fig 2", which fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. ¶

Deleted: <#>Claims are confusing and are not clear because claimed limitations, (Claim 1, : Claim 2, : Claim 3, : Claim 4, : Claim 5, : ... [4]

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wing door opening/closing devices Fig 1-8; at least one of said wing door opening/closing devices including a spring 16 for generating the biasing force for swinging up said wing door and a link mechanism for transmitting a biasing force of said spring to said wing door Fig 1-8; a stopper 18 for halting the operation of at least one of said plural wing door opening/closing devices.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9, 15, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (6,554,346) as applied to claim 5 and further in view of ordinary skill in the art.

Regarding Claims 9, 15, as best understood, Sugimoto (6,554,346) discloses the invention as claimed.

However, Sugimoto (6,554,346) does not disclose plural wing door opening/closing devices with different operating ranges are arranged side-by-side along a vertical direction.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate plural wing door opening/closing devices with different operating ranges are arranged side-by-side along a vertical direction to achieve the desire level of moment to open and close the wing door.

Conclusion

7. The prior art made of record in attached Notice of Reference Cited (PTO-892) and not relied upon is considered pertinent to applicant's disclosure. This art of record shows various features similar to the applicant's invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F 8:00 to 5:00.

Deleted: a passenger seat 8, an anchor arrangement configured to detachably couple to a rearwardly facing infant seat 10, an anchor point 15a, and a tether 11. ¶

Deleted: Claim Rejections - 35 USC § 102(e)¶

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:¶

A person shall be entitled to a patent unless --¶

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.¶

The changes made to 35 U.S.C. 102(e) are: [5]

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Deleted: Curtis et al. (5,447,010).¶ Regarding Claims 12, Lumley et al. (5,630,645) discloses the inv[en]tion. [6]

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Kiran B. Patel/

Kiran B. Patel, P.E.
Primary Examiner
Art Unit 3612
June 24, 2008

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Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.¶